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**BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.**

DEPT. OF TRANSPORTATION
DOCKETS

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Application of

EMIRATES

**for a foreign air carrier permit
pursuant to 49 U.S.C. § 41302
(United States-United Arab Emirates)**

Docket OST-02-13203-3

**MOTION OF EMIRATES TO WITHHOLD
INFORMATION FROM PUBLIC DISCLOSURE**

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DATED: August 20, 2002

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.**

Application of

EMIRATES

**for a foreign air carrier permit
pursuant to 49 U.S.C. § 41302
(United States-United Arab Emirates)**

Docket OST-02-_____

Dated: August 20, 2002

**MOTION OF EMIRATES TO WITHHOLD
INFORMATION FROM PUBLIC DISCLOSURE**

Emirates, pursuant to Rule 12 of the Department's Rules of Practice (14 C.F.R. § 302.12), requests that the Department withhold from public disclosure certain confidential information that Emirates is filing herewith under seal in the above-captioned proceeding. (An index of Emirates' confidential information, prepared in accordance with 14 C.F.R. §302.12(d)(1)(i), is attached hereto.) Submission of this information is intended to facilitate the Department's processing of Emirates' contemporaneously-filed application for a foreign carrier permit authorizing it to engage in scheduled foreign air transportation of persons, property and mail, including all-cargo service, from points behind the United Arab Emirates ("U.A.E.") via the U.A.E. and intermediate points to a point or points in the United States and beyond, to engage in all-cargo service between the United States and any point or points in third countries and to operate charters to and from the United States.

Motion of Emirates

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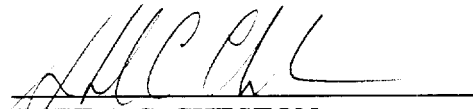
Emirates is providing this confidential information in response to the information requests set forth in 14 C.F.R. § 211.20(k),(n),(p). Emirates submits that this information is proprietary and commercially sensitive, and that Emirates would be adversely affected by its disclosure. Emirates therefore is asking the Department to preserve the confidentiality of the information during the Department's review of Emirates' permit application.

The confidential information submitted by Emirates is protected from public disclosure by exemption under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552(b). Section 552(b)(4) of the FOIA protects from public disclosure information that is "(1) commercial or financial, (2) obtained from a person outside the government, and (3) privileged or confidential." Gulf & Western Indus., Inc. v. United States, 615 F.2d 527, 529 (D.C. Cir. 1980) (citations omitted). The information at issue here satisfies this standard. The information is commercial or financial in nature; it was obtained from a private citizen; and is confidential. Washington Post Co. v. HHS, 690 F.2d 252, 268 (D.C. Cir. 1982) (defining the standard for whether information is privileged or confidential). Moreover, public disclosure of such information "could impair the Government's ability to obtain necessary information in the future or...cause substantial harm to the competitive position of the person from whom the information was obtained." See National Parks & Conservation Association v. Kleppe, 547 F.2d 673, 677-78 (D.C. Cir. 1976) (quoting National Parks & Conservation Ass'n v. Morton, 498 F.2d 765-70 (D.C. Cir. 1974)); Burke Energy Corp. v. DOE, 583 F. Supp. 507, 510 (D. Kansas 1984).

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WHEREFORE, for the foregoing reasons, the Department should grant Emirates' motion to withhold from public disclosure the confidential information that Emirates has filed under seal, and grant such other and further relief as the Department deems necessary.

Respectfully submitted,



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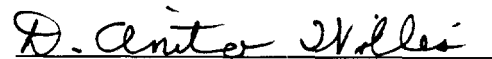
Dated: August 20, 2002

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3.	Traffic and financial projections for the first full year of normal operations of Emirates' DXB-JFK/ORD services	1

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Motion of Emirates on all persons named on the attached Service List by causing a copy to be sent via first-class mail, postage prepaid.


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